

DETAILED ACTION

1. Claims 39, 43-49 and 55-64 are pending as amended on 19 January 2012, claims 33-38, 40-42 and 50-54 being cancelled in this amendment.
2. Applicant's amendments to the claims and the remarks/arguments filed 19 January 2012 have been entered and fully considered.

Information Disclosure Statement

3. The information disclosure statement (IDS) submitted on 7 November 2011 was filed after the mailing date of the first Office action on 8 April 2011. The submission is in compliance with the provisions of 37 CFR 1.97. Accordingly, the information disclosure statement is being considered by the examiner.

Terminal Disclaimer

4. The terminal disclaimer filed on 19 January 2012 disclaiming the terminal portion of any patent granted on this application which would extend beyond the expiration date of Application 11721201 has been reviewed and is NOT accepted.
5. An attorney or agent, not of record, is not authorized to sign a terminal disclaimer in the capacity as an attorney or agent acting in a representative capacity as provided by 37 CFR 1.34 (a). See 37 CFR 1.321(b) and/or (c).

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6. However, it is noted that the amendments overcome the rejection on the ground of nonstatutory obvious-type double patenting over copending Application 11721201 (see below).

Response to Amendment and Arguments

7. Applicant's amendment canceling claims 33-38 and 50-54 renders the rejection on the ground of nonstatutory obviousness-type double patenting over US Patent 7825074 moot. The rejection has been withdrawn.

8. Applicant's amendment to independent claim 39 specifying the consolidating agent made from the combination of methyltriethoxysilane, phenyltriethoxysilane and tetrahydroxysilane, overcomes the rejection on the ground of nonstatutory obviousness-type double patenting over copending Application No. 11721201. The rejection has been withdrawn.

9. Applicant's amendment to claim 43 overcomes the rejection under 36 USC 112, second paragraph. The rejection has been withdrawn.

10. Applicant's amendment to independent claim 39, inserting the allowable subject matter of claim 42, overcomes the rejection under 35 U.S.C. 102(b) of claims 39, 43, 44, 46, 48 and 49 over US Patent 5734000 (Popall). The rejection has been withdrawn.

11. Applicant's new independent claim 55, rewriting claim 45, previously indicated as containing allowable subject matter, in independent form; and new independent claim, rewriting claim 47, previously indicated as containing

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allowable subject matter, in independent form, put the claims in condition for allowance.

Allowable Subject Matter

12. Claims 39, 43-49 and 55-64 are allowed for reasons of record.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to AIQUN LI whose telephone number is (571)270-7736. The examiner can normally be reached on Monday -Thursday, 9:00 am - 5:00 pm EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Milton Cano can be reached on (571)2721398. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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/A. L./
Examiner, Art Unit 1763

/Timothy J. Kugel/
Primary Examiner, Art Unit 1765